

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
ELIJAH CHISOLM,

Docket No.: 08 CIV.
4694

Plaintiff

ANSWER TO COMPLAINT

v.

PRODUCERS RICE MILL, INC. AND CHICAGO
SWEETENERS, INC.,

Defendants

-----x
Defendant, Rafi Industries d/b/a Chicago Sweeteners,
Inc., by its attorneys, EUSTACE & MARQUEZ, answers the
Complaint of the Plaintiff by stating as follows:

1. Denies having knowledge or information sufficient to
form a belief as to the truth of the allegations of paragraph
FIRST.

2. Denies having knowledge or information sufficient to
form a belief as to the truth of the allegations of paragraph
SECOND.

3. Denies having knowledge or information sufficient to
form a belief as to the truth of the allegations of paragraph
THIRD.

4. Denies having knowledge or information sufficient to
form a belief as to the truth of the allegations of paragraph
FOURTH.

5. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph SIXTH.

6. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph SEVENTH.

7. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph EIGHTH.

8. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph NINTH.

9. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph TENTH.

10. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph ELEVENTH.

11. Denies, upon information and belief, the allegations of paragraph TWELFTH.

12. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph THIRTEENTH, except to admit that on and before March 2, 2007

Defendant Rafi Industries s/h/a Chicago Sweeteners, Inc. entered into a contract to sell powered drink mix to 4C FOODS CORP.

13. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph FOURTEENTH, except to admit that on and before March 2, 2007 Defendant Rafi Industries s/h/a Chicago Sweeteners, Inc. did sell powdered drink mix to 4C FOODS CORP. for delivery by rail on or about March 2, 2007 to New Haven Distributors, Bronx, New York.

14. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph FIFTEENTH, except to admit that Defendant Rafi Industries s/h/a Chicago Sweeteners, Inc. loaded said powdered drink mix onto a railroad boxcar for delivery to New Haven Distributors, Bronx, New York.

15. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph SIXTEENTH.

16. Denies, upon information and belief, the allegations of paragraph SEVENTEENTH.

17. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph EIGHTEENTH.

18. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph NINETEENTH.

19. Denies, upon information and belief, the allegations of paragraph TWENTIETH.

20. Denies, upon information and belief, the allegations of paragraph TWENTY-FIRST.

21. Denies, upon information and belief, the allegations of paragraph TWENTY-SECOND.

22. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph TWENTY-THIRD.

23. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph TWENTY-FOURTH and respectfully refers all questions of law to this Honorable Court.

24. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph TWENTY-FIFTH.

AS AND FOR A CROSS-CLAIM FOR CONTRIBUTION AGAINST: PRODUCERS RICE MILL, INC.

25. If any plaintiff recovers against this Defendant, then this Defendant will be entitled to an apportionment of responsibility for damages between and amongst the parties of

this action and will be entitled to recover from each other party for its proportional share commensurate with any judgment which may be awarded to the plaintiff.

**AS AND FOR A CROSS-CLAIM FOR COMMON LAW INDEMNITY AGAINST:
PRODUCERS RICE MILL, INC.**

26. If any plaintiff recovers against this Defendant, then this Defendant will be entitled to be indemnified and to recover the full amount of any judgment from the PRODUCERS RICE MILL, INC.

WHEREFORE, this Defendant demands judgment dismissing the Complaint, together with costs and disbursements, and in the event any judgment or settlement is recovered herein against this Defendant, then this Defendant further demands that such judgment be reduced by the amount which is proportionate to the degree of culpability of any plaintiff, and this Defendant further demands judgment against each other party on the respective crossclaims

and/or counterclaims.

DATED: May 27, 2008
White Plains, New York

Yours, etc.,

EUSTACE & MARQUEZ
Attorneys for Defendant
RAFI INDUSTRIES d/b/a CHICAGO
SWEETENERS, INC.
Office and Post Office
Address
1311 Mamaroneck Avenue
3rd Floor
White Plains, New York 10605
(914) 989-6650

By:



John R. Marquez - 3623

To:

Altier & Vogt, LLC
Attorneys for Plaintiff, Elijah Chisolm
450 Seventh Avenue
36th Floor
New York, New York 10122

Producers Rice Mill, Inc.
P. O. Box 1248
Stuttgart, Arizona 72160

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
ELIJAH CHISOLM,

Docket No.: 08 CIV.
4694

Plaintiff

v.

VERIFICATION

PRODUCERS RICE MILL, INC. AND CHICAGO
SWEETENERS, INC.,

Defendants

-----x

John R. Marquez, an attorney duly admitted to practice
law before the Courts of New York State, hereby affirms
under the penalties of perjury pursuant to CPLR 2106:

I am a member of the firm of EUSTACE & MARQUEZ,
attorneys for the Defendant, Rafi Industries d/b/a Chicago
Sweeteners, Inc.

I submit the following statement upon information and
belief, based upon an inspection of the records maintained by
this office, which records I believe to be true.

That I have read the contents of the attached ANSWER
TO COMPLAINT for Defendant Rafi Industries d/b/a Chicago
Sweeteners, Inc. and believe it to be true based on
information available or maintained by this firm. I make
this verification because this Defendant is either a
foreign corporation or is not located in Westchester

County.

DATED: May 27, 2008
White Plains, New York

John R. Marquez
John R. Marquez - 3623